



Entered on Docket  
September 23, 2009

Hon. Bruce A. Markell  
United States Bankruptcy Judge

THE LAW OFFICES OF RANDOLPH H. GOLDBERG  
RANDOLPH H. GOLDBERG, ESQ.  
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(702) 735-1500  
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Attorney for Debtors

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

JAMES DAVIS &  
RUBY DAVIS

Debtor(s).

Chapter 13 Proceedings  
Case No.: BK-S-09-15908-BAM  
Trustee: Rick A. Yarnall

Date: 6/11/09  
Time: 3:30 p.m.

ORDER AVOIDING THIRD TRUST DEED

The Motion of Debtors, JAMES & RUBY DAVIS, to Value Collateral, "Strip Off" and Modify Rights of HFC-USA (CLAIM N/A) Pursuant to 11 U.S.C. 506(a) and 1322, as against Debtors' residential real property, coming on regularly for hearing on JUNE 11, 2009, at 3:30 p.m., with THE LAW OFFICES OF RANDOLPH H. GOLDBERG, appearing for Debtors, and, pursuant to notice duly given, no opposition being filed by creditors, or by the Chapter 13 Trustee, and the Court having heard the representation of counsel, and being otherwise informed, it is

1 hereby **ORDERED, ADJUDGED AND DECREED** that the security interest of HFC-USA in  
2 the real property commonly known as 6655 OCTAVE AVENUE, LAS VEGAS, NEVADA,  
3 89139-6749, and legally described as follows:

5           Sonata Within Pinnacle Peaks Phase 1, Plat Book 112, Page 61, Lot 504, Block 3 is hereby  
6 avoided, set aside and forever held for naught and that the claim of the aforesaid creditor in these  
7 bankruptcy proceedings shall be treated as unsecured.  
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9       **IT IS FURTHER ORDERED** that the certain Deed of Trust recorded in the Office of the  
10 Clark County Recorder on November, 2, 2005 as Document Number 20051102:05234 (See  
11 Exhibit A) is hereby removed and expunged from the County records and shall no longer  
12 constitute a lien or encumbrance upon the aforesaid real property.  
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**IT IS SO ORDERED.**

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1 DATED this \_\_\_\_ day of JUNE, 2009.  
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3 THE LAW OFFICES OF  
4 RANDOLPH H. GOLDBERG

5 By /S/ RANDOLPH GOLDBERG ESQ.

6 RANDOLPH H. GOLDBERG, ESQ.

7 4000 S. Eastern

8 Suite 200

Las Vegas, Nevada 89119

Attorney for Debtors

10 APPROVED AS TO FORM AND CONTENT  
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12 CHAPTER 13 TRUSTEE  
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15 RICK YARNALL, TRUSTEE  
16 701 E. Bridger Avenue, #820  
17 Las Vegas, NV 89101  
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13 **EXHIBIT A**  
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<b>GENERAL INFORMATION</b>	
<b>PARCEL NO.</b>	176-14-210-058
<b>OWNER AND MAILING ADDRESS</b>	DAVIS RUBY 6655 OCTAVE AVE LAS VEGAS NV 89139-6749
<b>LOCATION ADDRESS</b>	6655 OCTAVE AVE
<b>CITY/UNINCORPORATED TOWN</b>	ENTERPRISE
<b>ASSESSOR DESCRIPTION</b>	SONATA WITHIN PINNACLE PEAKS PHASE 1 PLAT BOOK 112 PAGE 61 LOT 504 BLOCK 3
<b>RECORDED DOCUMENT NO.</b>	SEC 14 TWP 22 RNG 60
<b>RECORDED DATE</b>	* 20051102:05234
<b>VESTING</b>	11/02/2005
	NO STATUS

\*Note: Only documents from September 15, 1999 through present are available for viewing.

<b>ASSESSMENT INFORMATION AND SUPPLEMENTAL VALUE</b>	
<b>TAX DISTRICT</b>	635
<b>APPRAISAL YEAR</b>	2008
<b>FISCAL YEAR</b>	08-09
<b>SUPPLEMENTAL IMPROVEMENT VALUE</b>	0
<b>SUPPLEMENTAL IMPROVEMENT ACCOUNT NUMBER</b>	N/A

<b>REAL PROPERTY ASSESSED VALUE</b>		
<b>FISCAL YEAR</b>	2008-09	2009-10
<b>LAND</b>	63000	21000
<b>IMPROVEMENTS</b>	84977	84922
<b>PERSONAL PROPERTY</b>	0	0
<b>EXEMPT</b>	0	0
<b>GROSS ASSESSED (SUBTOTAL)</b>	147977	105922
<b>TAXABLE LAND+IMP (SUBTOTAL)</b>	422791	302634
<b>COMMON ELEMENT ALLOCATION</b>	0	0
<b>TOTAL ASSESSED VALUE</b>	147977	105922
<b>TOTAL TAXABLE VALUE</b>	422791	302634

<b>ESTIMATED LOT SIZE AND APPRAISAL INFORMATION</b>	
<b>ESTIMATED SIZE</b>	0.10 Acres
<b>ORIGINAL CONST. YEAR</b>	2006
<b>LAST SALE PRICE</b>	453550
<b>MONTH/YEAR</b>	11/05
<b>LAND USE</b>	1-10 RESIDENTIAL SINGLE FAMILY
<b>DWELLING UNITS</b>	1

<b>PRIMARY RESIDENTIAL STRUCTURE</b>					
<b>TOTAL LIVING SQ. FT.</b>	2368	<b>CARPORT SQ. FT.</b>	0	<b>ADDN/CONV</b>	NONE
<b>1ST FLOOR SQ. FT.</b>	1058	<b>STORIES</b>	TWO STORY	<b>POOL</b>	YES
<b>2ND FLOOR SQ. FT.</b>	1310	<b>BEDROOMS</b>	4	<b>SPA</b>	YES
<b>BASEMENT SQ. FT.</b>	0	<b>BATHROOMS</b>	2 FULL 1 HALF	<b>TYPE OF CONSTRUCTION</b>	FRAME STUCCO
<b>GARAGE SQ. FT.</b>	388	<b>FIREPLACE</b>	0	<b>ROOF TYPE</b>	CONCRETE TILE

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, the undersigned  
3 certifies:

5 \_\_\_\_\_ The court waived the requirements of LR 9021.

6  I have delivered a copy of this proposed order to all  
7 attorneys and unrepresented parties who  
appeared at the hearing regarding this matter  
8 and/or who filed a written Objection and each  
has:

9 \_\_\_\_\_ approved the form of this order:

10  waived the right to review the order  
and/or failed to file and serve papers  
11 in accordance with LR 9021<sup>©</sup>.

12 \_\_\_\_\_ I have delivered a copy of this proposed order to all  
13 Attorneys and unrepresented parties who appeared at the  
14 hearing regarding this matter and/or who filed a written  
objection and all have either approved the form of this  
order, waived the right to view the order, failed to file  
15 and serve papers in accordance with LR 9021<sup>©</sup> and the  
following have disapproved the form of the order:

17 \_\_\_\_\_ No opposition was filed to the motion and no  
other party or counsel appeared at the hearing.

19 I declare under penalty of perjury under the laws  
20 of The State of Nevada the foregoing is true and correct.

22 /s/Maile C. Hansen/s/  
23 An Employee of  
24 THE LAW OFFICE OF  
RANDOLPH H. GOLDBERG

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